

HOUSE BILL 243

C3

2lr2274
CF SB 179

By: **Delegates Nathan–Pulliam, Braveboy, Burns, Conway, Donoghue, Eckardt, Frush, Howard, Hubbard, Jones, A. Kelly, Kipke, Morhaim, Murphy, Pena–Melynk, Tarrant, and V. Turner**

Introduced and read first time: January 26, 2012

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Kathleen A. Mathias Chemotherapy Parity Act of 2012**

3 FOR the purpose of prohibiting insurers, nonprofit health service plans, and health
4 maintenance organizations that provide coverage for cancer chemotherapy
5 under certain policies or contracts from imposing certain limits or cost sharing
6 on coverage for orally administered cancer chemotherapy that are less favorable
7 to an insured or enrollee than the limits or cost sharing on coverage for cancer
8 chemotherapy that is administered intravenously or by injection; prohibiting
9 the insurers, nonprofit health service plans, and health maintenance
10 organizations from reclassifying cancer chemotherapy or increasing certain
11 out-of-pocket expenses to achieve certain compliance; prohibiting the insurers,
12 nonprofit health service plans, and health maintenance organizations from
13 increasing an out-of-pocket expense applied to cancer chemotherapy under a
14 health insurance policy or contract or a health maintenance organization
15 contract unless the increase also is applied to certain benefits under the policy
16 or contract; making certain provisions of this Act applicable to health
17 maintenance organizations; defining a certain term; providing for the
18 application of this Act; and generally relating to health insurance coverage for
19 cancer chemotherapy.

20 BY adding to
21 Article – Insurance
22 Section 15–846
23 Annotated Code of Maryland
24 (2011 Replacement Volume)

25 BY adding to
26 Article – Health – General
27 Section 19–706(l)(l)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2009 Replacement Volume and 2011 Supplement)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
4 MARYLAND, That the Laws of Maryland read as follows:

5 **Article – Insurance**

6 **15–846.**

7 (A) IN THIS SECTION, “CANCER CHEMOTHERAPY” MEANS MEDICATION
8 THAT IS PRESCRIBED BY A LICENSED PHYSICIAN TO KILL OR SLOW THE GROWTH
9 OF CANCER CELLS.

10 (B) THIS SECTION APPLIES TO:

11 (1) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT
12 PROVIDE COVERAGE FOR CANCER CHEMOTHERAPY UNDER HEALTH INSURANCE
13 POLICIES OR CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE; AND

14 (2) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE
15 COVERAGE FOR CANCER CHEMOTHERAPY UNDER CONTRACTS THAT ARE ISSUED
16 OR DELIVERED IN THE STATE.

17 (C) AN ENTITY SUBJECT TO THIS SECTION MAY NOT IMPOSE DOLLAR
18 LIMITS, COPAYMENTS, DEDUCTIBLES, OR COINSURANCE REQUIREMENTS ON
19 COVERAGE FOR ORALLY ADMINISTERED CANCER CHEMOTHERAPY THAT ARE
20 LESS FAVORABLE TO AN INSURED OR ENROLLEE THAN THE DOLLAR LIMITS,
21 COPAYMENTS, DEDUCTIBLES, OR COINSURANCE REQUIREMENTS THAT APPLY
22 TO COVERAGE FOR CANCER CHEMOTHERAPY THAT IS ADMINISTERED
23 INTRAVENOUSLY OR BY INJECTION.

24 (D) (1) AN ENTITY SUBJECT TO THIS SECTION MAY NOT RECLASSIFY
25 CANCER CHEMOTHERAPY OR INCREASE A COPAYMENT, DEDUCTIBLE,
26 COINSURANCE REQUIREMENT, OR OTHER OUT-OF-POCKET EXPENSE IMPOSED
27 ON CANCER CHEMOTHERAPY TO ACHIEVE COMPLIANCE WITH THIS SECTION.

28 (2) AN ENTITY SUBJECT TO THIS SECTION MAY NOT INCREASE AN
29 OUT-OF-POCKET EXPENSE APPLIED TO CANCER CHEMOTHERAPY UNDER A
30 HEALTH INSURANCE POLICY OR CONTRACT OR A HEALTH MAINTENANCE
31 ORGANIZATION CONTRACT UNLESS THE ENTITY ALSO APPLIES THE INCREASE
32 TO THE MAJORITY OF COMPARABLE MEDICAL OR PHARMACEUTICAL BENEFITS
33 UNDER THE POLICY OR CONTRACT.

1 **Article – Health – General**

2 19–706.

3 **(LLLL) THE PROVISIONS OF § 15–846 OF THE INSURANCE ARTICLE**
4 **APPLY TO HEALTH MAINTENANCE ORGANIZATIONS.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all
6 policies, contracts, and health benefit plans issued, delivered, or renewed in the State
7 on or after October 1, 2012.

8 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2012.